

ANALYSIS

This ordinance amends various sections of Title 7 - Business Licenses, of the Los Angeles County Code, to make technical and/or non-substantive changes to provisions which generally govern the issuance of business licenses. It also amends several sections in Chapter 7.62 - Adult Businesses, to clarify them and make them more consistent.

The ordinance also amends various sections of Chapter 22.62 - Adult Businesses, of Title 22 - Planning and Zoning, to make technical and/or non-substantive revisions to regulations relating to adult businesses. Finally, it amends section 22.62.100 by adding a fee for the issuance by the Regional Planning Commission of an adult business permit.

Very truly yours.

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By
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RMF:cs

4/2/02 (Requested)
7/3/03 (Revised)

ORDINANCE NO. _____

An ordinance amending Title 7 - Business Licenses and Title 22 - Planning and Zoning of the Los Angeles County Code, relating to adult businesses.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Section 7.06.040 is hereby amended to read as follows:

7.06.040 Application -- Hearing required for certain activities.

Except as otherwise provided in Section 7.06.260 or 7.30.270 of this title, the commission or referee shall hold a public hearing on every application for a new license required for:

1. Bookstore, Section 7.90.030;

. . .

30. Adult business, Section 7.92.030.

SECTION 2. Section 7.06.070 is hereby amended to read as follows:

7.06.070 Valid license required to operate -- Businesses designated.

A valid license other than the receipt described in Section 7.06.050 must be in the possession of the applicant in advance of the operation of the following businesses or activities:

Adult business

Ambulance operator

. . .

SECTION 3. Section 7.06.200 is hereby amended to read as follows:

7.06.200 Renewals -- Application deadlines.

Every person desiring to continue in business after the expiration of the license period shall file an application for renewal:

A. Not less than 45 business days prior to the expiration of the license period, if to renew a license for a waste-disposal facility;

B. Not less than 90 business days prior to the expiration of the license period, if to renew an adult business license.

~~B.C.~~ Not less than 30 business days prior to the expiration of the license period in all other cases.

SECTION 4. Section 7.06.240 is hereby amended to read as follows:

7.06.240 Renewals -- Application after expiration.

The tax collector may accept an application for a renewal after the time specified in Section 7.06.200 if filed not later than 60 days after the expiration of the former license. When an application for renewal is submitted pursuant to this section, the fee shall be equivalent to the renewal fee plus 25 percent thereof. Except as otherwise provided by this section, the tax collector shall not accept an application for a renewal of a license which has expired, or which for any other reason is not in full force and effect. The applicant may apply for a new license if not prohibited from doing so by any other provision of this title. He shall accompany such application with the fee required for an application for a new license. This section does not apply to the renewal of an adult business license which was issued pursuant to Chapter 7.92.

SECTION 5. Section 7.06.260 is hereby amended to read as follows:

7.06.260 Renewals -- Hearing requirements.

If, on any renewal application, the commission has received notice of a change of ownership or a significant change in operation of the business which may involve noncompliance with county regulations, or if it has received citizens' complaints regarding the operation of the business, it may set the matter for public hearing. If such matter is set for hearing, the involved parties will be notified to appear for hearing, and any other notice of hearing, if any, which is required in the case of an original application shall be given as in the case of an original hearing. The filing of an accusation shall not be required. In all other cases involving license renewals, such license shall automatically be renewed by the tax collector, effective upon expiration of the old license, unless one of the departments or officers investigating such license has indicated that it recommends denial of, or the imposition of conditions upon, such license, in which case such matters shall be set for public hearing ~~as provided in accordance with the provisions Sections 7.02.020 through 7.02.330, 7.04.150, 7.06.040, 7.06.090 and Chapters 7.08 and 7.10 of this title.~~

SECTION 6. Section 7.06.261 is hereby amended to read as follows:

7.06.261 Renewals -- Hearings for certain businesses which exclude minors.

Notwithstanding Section 2.06.260, ~~T~~the commission shall set for public hearing ~~renewal applications~~ for renewals of licenses for escort bureaus; ~~massage parlors;~~ model studios; adult businesses; and further, for picture arcades, bookstores, theaters and entertainment licenses, ~~when the licensed activity is not customarily open to the general public because minors are excluded as a prevailing business practice.~~ T~~he~~

public hearing shall be ~~as provided for in Sections 7.02.020 through 7.02.330, 7.04.150, 7.06.090 and Chapters 7.08 and 7.10~~ held in accordance with the provisions of this title.

SECTION 7. Section 7.06.270 is hereby amended to read as follows:

7.06.270 Transfers -- Restrictions generally.

Unless otherwise specifically allowed in Sections 7.06.270280 through 7.06.310, no license issued pursuant to this title may be transferred from one person to another person, or from one location to another location.

SECTION 8. Section 7.08.010 is hereby amended to read as follows:

7.08.010 Denial or grant subject to conditions -- Notice to applicant.

Unless a hearing already has been held, Before the tax collector or business license commission denies any new or renewal license ~~(either new or renewal)~~ or grants any license subject to the conditions, ~~except the renewal of a license containing only those conditions, to which the license renewed was subject, or conditions to which the applicant has agreed, unless a hearing already has been held, he shall notify the applicant~~ shall be so notified in writing, ~~that he intends to deny the license or to grant the license subject to conditions, which conditions shall be specified in the notice, and that the applicant~~ The notice shall advise the applicant that, within five days after receipt of the notice, he may request a hearing before the business license commission, ~~within five days after receipt of such notice.~~ If the intention is to grant the license subject to conditions, the notice shall also specify the proposed conditions. The notice shall be given by registered or certified mail, postage prepaid, or in the manner required for the service of summons in civil actions. This section shall not apply to the renewal of any

license made subject to conditions previously imposed or to which the applicant has previously agreed.

SECTION 9. Section 7.08.070 is hereby amended to read as follows:

7.08.070 Grounds for denial -- Activities which may involve free speech.

A. The following shall constitute grounds for denial of a license for a bookstore, exhibition, traveling show, motion picture theater, sound or advertising vehicle, model studio, picture arcade, entertainment as defined in Part 1 of Chapter 7.36, outdoor festivals, or growth centers: ~~This section does not apply to security guards as provided for in Section 7.60.280:~~

A1. The building, structure, equipment or location of such business does not comply with or fails to meet all of the health, zoning, fire and safety requirements or standards of all the laws of the state of California or ordinances of the county of Los Angeles applicable to such business operation;

B2. The applicant, his employee, agent or manager has knowingly made any false, misleading or fraudulent statement of material fact in the application for a license or in any report or record required to be filed with the tax collector or commission.

B. This section does not apply to licenses for security guards as provided for in Section 7.60.280 or to adult business licenses provided for in Chapter 7.92.

SECTION 10. Section 7.08.100 is hereby amended to read as follows:

7.08.100 Right to impose or change conditions -- Notification to licensee.

If at any time it appears to the business license commission that there are grounds for revocation of a license, or that the occupation or activity licensed is being

conducted so as to be detrimental to public health, safety or public welfare, but that such grounds or such conduct could be eliminated by the imposition of conditions, or of additional conditions, or by the amendment of any existing conditions to such license, it may notify the licensee in writing that it intends to impose or amend such conditions, and that the licensee may, within five days after receipt of such notice, request, in writing, a hearing. This section does not apply to any adult business license issued pursuant to Chapter 7.92.

SECTION 11. Section 7.08.120 is hereby amended to read as follows:

7.08.120 Conditions -- Imposition following notification.

If, after receipt of notice pursuant to Section 7.08.100, the licensee does not request a hearing, or, if after a hearing the business license commission finds facts as specified in Section 7.08.100, it may impose conditions or amend existing conditions as justified by the facts found. Such new conditions or amendments may include, but are not confined to, requirements for off-street parking and hours of operation. This section does not apply to any adult business license issued pursuant to Chapter 7.92.

SECTION 12. Section 7.08.140 is hereby amended to read as follows:

7.08.140 Revocation or suspension -- Activities which may involve free speech.

A. After a hearing as provided in Chapter 7.10 of this title, the commission may suspend or revoke a license for a bookstore, exhibition, traveling show, motion picture theater, sound or advertising vehicle, model studio, picture arcade, entertainment as defined in Part 1 of Chapter 7.36, outdoor festival, or growth center if it finds that one or more of the following conditions exist:

1. The building, structure, equipment or location of such business does not comply with or fails to meet all of the health, zoning, fire and safety requirements or standards of all the laws of the state of California or ordinances of the county of Los Angeles applicable to such business operation;

2. The licensee, his employee, agent or manager has been convicted in a court of competent jurisdiction of:

a. Any violation of any statute, Ordinance 5860, or any other ordinance arising from any act performed in the exercise of any rights granted by the license the revocation of which is under consideration, or

b. Any offense involving the maintenance of a nuisance caused by any act performed in the exercise of any rights granted by the license the revocation of which is under consideration;

3. The licensee, his employee, agent or manager has knowingly made any false, misleading or fraudulent statement of material fact in the application for a license, or in any report or record required to be filed with the tax collector or commission;

4. The licensee has violated any rule or regulation adopted the commission relating to the licensee's business;

5. The licensee has failed or refused to notify the tax collector of any change in facts as required by Section 7.08.030 within five days after such change.

B. This section does not apply to a license for a security guard as provided for in Section 7.60.280 or to an adult business license as provided for in Chapter 7.92.

SECTION 13. Section 7.08.200 is hereby amended to read as follows:

7.08.200 Revocation -- Waiting period for new license.

When a license of any person is revoked for cause, no similar license shall be granted to the same person within one year after such revocation, except for an activity listed in Section 7.08.420140.

SECTION 14. Section 7.10.110 is hereby amended to read as follows:

7.10.110 Hearing by commission -- Public notice requirements -- For certain businesses.

In addition to the notice required by Section 7.10.100, not less than five days before a hearing on an application for a license for a public billiard room, billiard club, bookstore, bowling alley, card club, entertainment, growth center, off-the-road vehicles, (Section 7.90.570), outdoor festival, traveling show, motion picture theater, massage parlor, skating rink, model studio, figure studio, picture arcade, adult business or dance (except a dance for which pursuant to Section 7.30.210 a fee is not required), the business license commission shall:

A. Serve notice of the time and place of such hearing on the applicant and upon all persons whose names and addresses appear upon the latest available assessment roll as owners of the whole or any portion of the property on the block where the business is to be operated; and

B. Post such notice on the public street or highway in at least five places on the block where it is proposed to conduct, maintain or operate such business. The notice shall be entitled "Notice of Hearing to Conduct a (activity)," which shall be printed in letters not less than one inch in height.

SECTION 15. Section 7.10.150 is hereby amended to read as follows:

7.10.150 Conduct of hearing -- Procedure generally.

At the time set for the hearing or at the date to which the hearing may be continued by the business license commission or other body having jurisdiction, the referee, or such other body, shall hear the applicant or licensee, who may present any facts to show why the license should be granted or should not be revoked, and shall hear, also, testimony and other statements from other persons who may attend the hearing and present ~~reasons~~ facts to show why the license should or should not be granted or revoked. The referee, or such other body, may place any witness, including the licensee, under oath.

SECTION 16. Section 7.10.170 is hereby amended to read as follows:

7.10.170 Decision after hearing -- Order.

At the close of the hearing or at any time within 30 days thereafter, the business license commission, or other body having jurisdiction, shall determine from the facts produced at the hearing, or from the report of the referee, and from any other facts in its possession, whether the license should be granted, granted subject to conditions, modified, or revoked, and shall make its order accordingly. Except in cases involving businesses covered by Sections 7.08.070 and 7.08.140, it may make its order conditional upon the licensee or applicant doing or not doing any act, either personally or through his servants or agents, which the business license commission or such other body deems necessary for the public good. This section does not apply to action on any adult business license issued pursuant to Chapter 7.92.

SECTION 17. Section 7.10.210 is hereby amended to read as follows:

7.10.210 Accusations -- Contents.

A hearing to determine whether an existing license should be revoked, suspended, limited or conditioned, ~~or whether a license should be granted, issued or renewed,~~ shall be initiated by filing an accusation. The accusation shall be a written statement of charges which shall set forth in ordinary and concise language the acts or omissions with which the respondent is charged, to the end that the respondent will be able to prepare his defense. It shall specify the statutes and rules which the respondent is alleged to have violated, but shall not consist merely of charges phrased in the language of such statutes and rules, with which the respondent must show compliance by producing proof at the hearing; and, in addition any particular matters which have come to the attention of the initiating party and which would authorize a denial of the license sought. The accusation shall be verified unless made by a public officer acting in his official capacity. The verification may be on information and belief.

SECTION 18. Section 7.12.060 is hereby amended to read as follows:

7.12.060 Notice of appeal -- Form and filing.

Any person dissatisfied with any decision of the business license commission may, within 15 days after such decision is announced at the conclusion of the hearing, or otherwise within 15 days of receipt by the applicant or licensee of written notice of the decision, file with the executive assistant of the business license commission a notice of appeal to the license appeals board. The notice shall be signed by the appellant or by his attorney, and shall be sufficient if it states in substance that the appellant appeals from a specified decision or a particular part thereof. The notice shall contain no

argument, evidence or points and authorities of law. Any such argument, evidence or points and authorities of law will be disregarded by the license appeals board. The notice of appeal may, however, state briefly the grounds upon which the appeal is taken.

SECTION 19. Section 7.14.010 is hereby amended to read as follows:

7.14.010 Fee schedule.

The license fees required to be paid to perform, carry on, conduct or engage in any businesses, occupations or activities set forth in this Title 7, the license ordinance codified in this title, are as stated in this chapter.

	FEES	
	First Annual	Year Renewal
ACCUPRESSURE ESTABLISHMENT	\$2,268.00	\$ 354.00
ACCUPRESSURIST	351.00	234.00
<u>ADULT BUSINESS</u>		
1. <u>Bookstore</u>	<u>2,228.00</u>	<u>1,693.00</u>
2. <u>Cabaret</u>	<u>1,981.00</u>	<u>1,712.00</u>
3. <u>Hotel</u>		
a. <u>5 to 10 units</u>	<u>317.00</u>	<u>200.00</u>
b. <u>11 to 15 units</u>	<u>317.00</u>	<u>129.00</u>
c. <u>16 or more units</u>	<u>378.00</u>	<u>246.00</u>
4. <u>Motel</u>	<u>340.00</u>	<u>223.00</u>
5. <u>Motion picture arcade</u>	<u>1,988.00</u>	<u>1,712.00</u>
6. <u>Motion picture theater</u>	<u>1,836.00</u>	<u>1,552.00</u>
7. <u>Theater</u>	<u>1,836.00</u>	<u>1,552.00</u>

AMBULANCE OPERATOR	1,435.39	244.34
AMBULANCE	373.86	339.55
AMBULETTE OPERATOR	435.39	244.34
AMBULETTE	361.72	327.41
APARTMENT HOUSE OR HOTEL		
1. If from 5 to 10 families, inclusive, can be housed.	259.00	185.00
2. If from 11 to 15 families, inclusive, can be housed.	282.00	200.00
3. If over 15 families can be housed.	340.00	223.00
BILLIARD ROOM OR CLUB	2,092.00	358.00
BINGO		
1. Bingo games.	50.00	50.00
2. Bingo manager.	50.00	50.00
3. Bingo equipment supplier.	1,522.00	80.00
BODY ART ESTABLISHMENT	2,254.00	213.00
BODY ART TECHNICIAN	252.00	208.00
BOARDING HOUSE	282.00	200.00
BOOKSTORE <u>(other than adult)</u>	<u>1,799.00</u>	<u>175.00</u>
1. Adult.	2,228.00	1,693.00
2. Other than adult.	1,799.00	175.00
BOTTLE WASHING	194.00	60.00
BOTTLE WORKS	194.00	131.00
BOWLING ALLEY	1,914.00	323.00
CARD OR GAME CLUB	2,177.00	207.00
CHARITABLE INSTITUTIONS	2.00	2.00

CHARITABLE PURPOSES

Not more than five days.	2.00	----
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CLOSING OUT SALE

1. First 60 days.	168.00	----
2. 30 days' renewal.	60.00	----

COIN-OPERATED GAME

For each game.	201.00	131.00
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COIN-OPERATED PHONOGRAPH

For each phonograph.	201.00	131.00
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COLD STORAGE WAREHOUSE	363.00	175.00
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CORPORATION DIRECTORS CHANGE

1. With business license commission hearing.	1,620.00	----
2. Without business license commission hearing.	252.00	----

DANCES

1. All dances except for a single special dance, taxi dance hall, or youth or charity dance.	1,771.00	223.00
2. Special dance (single).	1,806.00	152.00
3. Taxi dance hall.	1,774.00	177.00
4. Youth or charity dance.	No fee	----

DEMONSTRATOR	168.00	60.00
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DUPLICATE LICENSES	91.00	----
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ENTERTAINMENT

1. Class I or Class III without dance license.	1,981.00	406.00
2. Class I or Class III if applied for concurrently with dance license.	621.00	406.00
3. Adult renewal hearing.	----	1,712.00
4.3 Charity.	No fee	----

ESCORT BUREAU	1,864.00	1,590.00
EXHIBITION	1,808.00	275.00
EXPLOSIVES	555.00	293.00
FERTILIZER PLANT	363.00	175.00
FILLING STATION	361.00	252.00
FOUNDRY	340.00	223.00
FUNERAL ESCORT		
1. Business.	175.00	131.00
2. Employee.	175.00	131.00
GAME ARCADE	1,777.00	251.00
GASOLINE AND OIL TANK TRUCKS	307.00	200.00
GUN DEALER	739.00	279.00
HAY, GRAIN AND FEED DEALER	309.00	200.00
HEALTH CLUB	1,750.00	251.00
HEALTH SPA	1,750.00	251.00
HOG RANCH	445.00	175.00
HORSE MEAT	194.00	60.00
HOTEL		
5 to 10 units	317.00	200.00
11 to 15 units	317.00	129.00
16 or more units	378.00	246.00
IDENTIFICATION CARD	168.00	60.00
LAUNDERETTE	265.00	185.00

LIVERY STABLE	340.00	223.00
LOCKSMITH AND ITINERANT LOCKSMITH	201.00	131.00
LUMBERYARD	447.00	246.00
MANAGER--ENTERTAINMENT, GAME, MODEL STUDIO, OR PICTURE ARCADE, <u>OR ADULT BUSINESS</u>	175.00	131.00
MASSAGE PARLOR	<u>2,254.00</u>	<u>213.00</u>
1. Adult.	2,434.00	1,796.00
2. Other than adult.	2,254.00	213.00
MASSAGE TECHNICIAN	252.00	208.00
MODEL STUDIO	1,752.00	1,593.00
MOTEL	340.00	223.00
MOTORCYCLE CONTEST		
1. First day.	363.00	----
2. Each additional day.	175.00	
MOTOR VEHICLE		
1. Rental.	201.00	131.00
2. Repair.		
a. Body and fender.	475.00	275.00
b. Painting.	475.00	275.00
c. Licensed repairer.	475.00	275.00
NURSERY (plant)	194.00	131.00
OFF-THE-ROAD VEHICLE	1,574.00	177.00
OIL TOOL EXCHANGE	207.00	144.00
OUTDOOR FESTIVAL		
1. Religious worship.	No fee	----
2. All others.		
a. First day.	1,866.00	----
b. Each additional day.	278.00	----

PARTNERSHIP CHANGE

1. With business license commission hearing.	1,613.00	----
2. Without business license commission hearing.	252.00	----

PAWNBROKER	377.00	157.00
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PEDDLER

1. Commercial motor vehicles.	168.00	131.00
2. Special events.	168.00	131.00

PICNIC PARK	317.00	200.00
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PICTURE ARCADE	<u>1,775.00</u>	<u>129.00</u>
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1. Adult.	1,988.00	1,712.00
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2. Other than adult.	1,775.00	129.00
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PONY RIDE	194.00	131.00
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POULTRY DEALER	194.00	131.00
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PROMOTER (charitable)	1,502.00	60.00
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PUBLIC EATING PLACES

1. Public eating establishments.	431.00	223.00
2. Food establishments.	424.00	223.00

REBOUND TUMBLING CENTER	529.00	175.00
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RENDERING PLANT	194.00	60.00
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RIDES (mechanical)	318.00	200.00
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RIFLE RANGE	1,862.00	226.00
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RODEO

1. First day.	1,808.00	----
2. Each additional day.	204.00	----

SALVAGE COLLECTOR

1. Regular--for each vehicle.	202.00	158.00
2. Charity--for each vehicle.	2.00	2.00

SALVAGE DEALER

1. Regular.	458.00	250.00
2. Charity.	2.00	2.00

SAWMILL	447.00	175.00
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SCHOOL, PRIVATE	1,846.00	246.00
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SECONDHAND DEALER

1. Regular.	343.00	232.00
2. Charity.	2.00	2.00

SEPARATE ACTIVITIES

The fee for the activity requiring the highest license fee established in Section 7.14.010, plus \$168.00 each for every other license, or \$60.00 for every other renewal of a license.

SHOOTING GALLERY	270.00	129.00
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SITE TRANSFER	Amount of annual renewal license fee.	
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SKATING RINK	1,659.00	269.00
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SOLICITOR

1. Charitable.	No fee	----
2. Company (principal).	175.00	131.00
3. Individual -- not a principal.	175.00	131.00

SOUND TRUCK

1. Commercial.	168.00	60.00
2. Noncommercial.	168.00	60.00

SWIMMING POOL – PUBLIC	194.00	60.00
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TAXI DANCER AND TAXI DANCER INSTRUCTOR	168.00	60.00
TAXICAB		
1. Driver.		
a. Regular fee.	175.00	131.00
b. If the applicant submits with his application a valid, unrevoked, current taxicab driver's license, certificate, or permit approved by the sheriff and issued by a city.	168.00	131.00
2. Operator.		
a. Regular fee.	1,526.00	155.00
b. For the first cab.	168.00	131.00
c. For each additional cab.	168.00	131.00
d. Application to modify own license without commission hearing.	168.00	----
e. Application to modify with commission hearing.	1,495.00	----
THEATER (motion picture and live, <u>other than adult</u>)	<u>1,829.00</u>	<u>246.00</u>
1. Adult.	1,836.00	1,552.00
2. Other than adult.	1,829.00	246.00
TOW TRUCK	168.00	131.00
TRADE-IN DEALER	317.00	227.00
TRAVELING SHOW OR CIRCUS		
1. First day.	1,831.00	----
2. Each additional day.	204.00	----
3. Carnival game booth.	329.00	201.00
VACATION CERTIFICATE BUSINESS In addition to license fees set forth in Section 7.85.050.	1,495.00	60.00
VALET PARKING SERVICE	175.00	131.00

WATER TAXI

1. Operator.	1,556.00	185.00
2. Boat.		
a. First boat.	175.00	131.00
b. Each additional boat.	175.00	60.00
WEED ERADICATOR	237.00	129.00

SECTION 20. Section 7.30.010 is hereby amended to read as follows:

7.30.010 Dancing club.

"Dancing club" means any club or association of persons which conducts dances, other than public dances, for its members or bona fide guests. It does not include any adult business licensed pursuant to Chapter 7.92.

SECTION 21. Section 7.30.090 is hereby amended to read as follows:

7.30.090 Type I ~~adult~~ license.

A Type I ~~adult~~ license is a license which permits the activity licensed to be conducted on premises, whether alcoholic beverages are sold, served or consumed on such premises or not.

SECTION 22. Section 7.30.100 is hereby amended to read as follows:

7.30.100 Type II ~~adult~~ license.

A Type II ~~adult~~ license is a license which permits the activity licensed to be conducted only on premises where alcoholic beverages are neither sold, served or consumed.

SECTION 23. Section 7.30.420 is hereby amended to read as follows:

7.30.420 Alcoholic beverage limitations.

Neither a Type II ~~adult~~ license nor a taxi dance hall license permits any dance on any premises where alcoholic beverages are sold, served or consumed. A person shall not conduct any dance on any premises where alcoholic beverages are sold, served, or consumed unless he has, for such premises a Type I ~~adult~~ license.

SECTION 24. Section 7.36.010 is hereby amended to add Subsection E as follows:

7.36.010 Entertainment and professional entertainer.

. . .

E. Any adult business required to be licensed pursuant to Chapter 7.92 is excluded from the requirements of this chapter.

SECTION 25. Section 7.64.010 is hereby amended to read as follows:

7.64.010 Picture arcade defined.

"Picture arcade" means any premises where there is maintained one or more machines or contrivances to show still or motion pictures and for which any charge, consideration or payment is required or as an incident to some other type of business or activity, except those establishments for which there has been issued a valid theater or motion picture theater license pursuant to Part 3 of Chapter 7.82 of this title or a valid adult business license pursuant to Chapter 7.92 of this title.

SECTION 26. Subsection A of Section 7.82.030 is hereby amended to read as follows:

7.82.030 Theater defined.

A. As used in this Part 2, "theater" means a theater, concert hall or similar establishment which is primarily devoted to theatrical performances, as those words are used in Sections 318.5 and 318.6 of the Penal Code, but does not include any adult business required to be licensed pursuant to Chapter 7.92.

. . .

SECTION 27. Chapter 7.92 is hereby amended to reflect the name change from Sex-Oriented Businesses to Adult Businesses as follows:

Chapter 7.92

~~SEX-ORIENTED~~ADULT BUSINESSES

SECTION 28. Section 7.92.010 is hereby deleted in its entirety.

SECTION 29. Section 7.92.010 is hereby added to read as follows:

7.92.010 Purpose and application.

In order to promote the health, safety, and general welfare of the residents of the county of Los Angeles, this chapter is intended to regulate adult businesses which, unless closely regulated, have serious secondary effects on the community. These secondary effects include, but are not limited to, the following: depreciation of property values, increases in vacancy rates in residential and commercial areas, increases in incidences of criminal activity, increases in litter, noise, and vandalism and the interference with enjoyment of residential property in the vicinity of such businesses.

It is neither the intent nor the effect of this chapter to impose limitations or restrictions on the content of any communicative material. Similarly, it is neither the intent nor the effect of this chapter to restrict or deny access by adults to materials of a sexually explicit nature, or to deny access by the distributors or exhibitors of such materials to their intended market.

It is the intent of this chapter to afford new adult businesses a reasonable opportunity to locate in a relevant real estate market.

Nothing in this chapter is intended to authorize, legalize or license the establishment, operation or maintenance of any business, building or use which violates any county ordinance or any statute of the state of California regarding public nuisances, unlawful or indecent exposure, sexual conduct, lewdness or obscene or harmful matter or the exhibition or public display thereof.

SECTION 30. Section 7.92.020 is hereby deleted in its entirety.

SECTION 31. Section 7.92.020 is hereby added to read as follows:

7.92.020 Definitions.

For purposes of this chapter, the following words and terms shall have the following meanings:

A. "Adult bookstore" means any establishment, which as a substantial or significant course of conduct displays and/or distributes adult merchandise, books, periodicals, magazines, photographs, drawings, sculptures, motion pictures, videos, slides, films, or other written, oral or visual representations which are distinguished or characterized by an emphasis on a matter depicting, describing or relating to specified sexual activities or specified anatomical parts.

B. "Adult business" includes the following:

1. Any business conducted for the entertainment of adults, engaged in the selling, renting, or displaying of publications depicting the specified anatomical areas or specified sexual activities described herein or other material of a sexually explicit nature;

2. Any business which, as a substantial or significant course of conduct, sells, offers for sale, rents, exhibits, shows or displays publications depicting the specified anatomical areas or specified sexual activities described herein or other material of a sexually explicit nature;

3. Any business selling, renting, or displaying sexually oriented devices intended for use in the specified sexual activities described herein.

4. Any business conducted for the entertainment of adults wherein an employee, patron, or any other person engages in or is shown the specified sexual activities described herein or exhibits or engages in partial or total nudity or otherwise exposes the specified anatomical areas described herein;

5. Any business which, as a substantial or significant portion of its business, provides live or filmed entertainment wherein the specified anatomical areas described herein are exposed.

C. "Adult cabaret" means a nightclub, bar, restaurant or similar establishment which features any type of live entertainment which is distinguished or characterized by its emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical parts.

D. "Adult hotel or motel" means a hotel or motel which:

1. As a regular and substantial course of conduct provides to its patrons, through the provision of rooms equipped with closed-circuit television, video recorders or players or other medium, material which is distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical parts; or

2. Rents, leases, or lets any room for less than a six-hour period, or rents, leases or lets any single room more than twice in a 24-hour period.

E. "Adult material" means any sex-oriented merchandise, or any book, periodical, magazine, photograph, drawing, sculpture, motion picture film, video tape recording, or other visual representation which is distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical parts.

F. "Adult merchandise" means sex-oriented implements or paraphernalia, such as, but not limited to: dildos, auto sucks, sex-oriented vibrators, edible underwear, benwa balls, inflatable orifices, anatomical balloons with orifices, simulated or battery operated vaginas, and similar sex-oriented devices which are designed or marketed primarily for the stimulation of human genital organs or sadomasochistic activity.

G. "Adult motion picture arcade" means any establishment containing any manually operated, coin or slug operated, or electrically or electronically operated or controlled, still or motion picture or video tape machines, projectors, players or other image producing devices that are maintained to display images to five or fewer persons per machine or per viewing room at any one time when those images are distinguished

or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical parts.

H. "Adult motion picture theater" means any business establishment which projects and presents motion pictures, video tape recordings, slide photographs, or other motion or still pictures which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical parts.

I. "Adult theater" means a theater, concert hall, dance hall, auditorium, or similar establishment which features live performances which are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical parts.

J. "Day" means business day, unless otherwise specified.

K. "Individual viewing area" means a viewing area designed for occupancy by one person.

L. "Owner" or "licensee" means:

1. The sole proprietor of an adult business; or
2. Any general partner of a partnership which owns or operates an adult business; or
3. The owner of a controlling interest in a corporation which owns or operates an adult business; or
4. The person designated in writing by the officers of a corporation to be the licensee for an adult business owned or operated by the corporation.

M. "Premises" means the building occupied by an adult business, or the space in a building occupied by an adult business if the business does not occupy the entire building.

N. "Specified anatomical areas" include any of the following, whether actual or simulated:

1. Less than completely and opaquely covered:

a. human genitals or pubic region,

b. buttocks,

c. female breast below a point immediately below the top of the areola; or

2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

O. "Specified sexual activities" include any of the following:

1. Actual or simulated: sexual intercourse, anal intercourse, oral or anal copulation, bestiality, pedophilia, necrophilia, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of sexual relationships; or

2. Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence; or

3. Use of human or animal masturbation, sodomy, oral copulation, coitus, ejaculation; or

4. Fondling or touching of nude human genitals, pubic region, buttocks, or female breast; or

5. Masochism; erotic or sexually oriented torture, beating or the infliction of pain; or

6. Erotic or lewd touching, fondling, or other contact with an animal by a human being; or

7. Human excretion, urination, menstruation, vaginal or anal irrigation.

P. “Substantial or significant” means:

1. Devoting more than 25 percent of total display area to the display of adult material or adult merchandise; or

2. Presenting any type of live entertainment characterized by an emphasis on specified sexual activities or specified anatomical areas, or performers, models or employees appearing in public in lingerie on any four or more separate days within any period of 30 consecutive calendar days; or

3. Deriving at least 50 percent of gross receipts from the sale, trade, display or presentation of services, products, or entertainment which are characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.

SECTION 32. Section 7.92.030 is hereby amended to read as follows:

7.92.030 License prerequisite -- Application process.

A. It shall be unlawful for any person or entity to operate, engage in, conduct or carry on any ~~sex-oriented~~adult business within the county of Los Angeles unless the owner of said business first obtains, and continues to maintain in full force and effect, an ~~sex-oriented~~adult business license. A valid license other than the receipt described in

Section 7.06.030050 must be in the possession of the ~~applicant~~owner in advance of the operation of an ~~sex-oriented~~adult business.

B. Only the owner of the proposed ~~sex-oriented~~adult business shall be the ~~only person~~ eligible to obtain an ~~sex-oriented~~adult business license.

C. In addition to the information required by Chapter 7.06, the owner shall submit the following information and items ~~shall be submitted~~ to the tax collector ~~by the owner~~ at the time of applying for either a new a ~~sex-oriented~~adult business license or a renewal of an adult business license:

1. A completed ~~sex-oriented~~adult business license application form signed by the owner of the proposed ~~sex-oriented~~adult business, and either the record owner of the property, his or her agent or, if the business premises are subleased to the applicant business, the sublessor of the premises;

2. A site plan designating the building and/or unit proposed for the ~~sex-oriented~~adult business and a dimensional interior floor plan depicting how the business will comply with all applicable requirements of this chapter;

3. The information specified in Section 7.92.060 hereof if the ~~sex-oriented~~adult business in question is an ~~sex-oriented~~adult motion picture arcade;

4. ~~Any additional information the tax collector deems necessary;~~The information specified in Section 7.92.070 hereof if the adult business is an adult cabaret or adult theater;

5. Documentation evidencing successful completion of the processes and receipt of the approvals required under Chapter 22.62 of this code. In cases where such documentation is unavailable at the time the application is filed with the tax

collector, any action by the business license commission granting an adult business license shall be conditioned upon the applicant providing to the tax collector the documentation required by this subsection, and no adult business license shall be valid unless and until such documentation has been provided to the tax collector.

56. A statement signed by the owner under penalty of perjury attesting to the truth and accuracy of the application and the information submitted therewith.

D. The tax collector shall determine whether the application contains all the information required by the provisions of this chapter. If it is determined that the application is not complete, the applicant shall be notified in writing within ten days of the date of receipt of the application that the application is not complete and the reasons therefor, including any additional information necessary to render the application complete. The applicant shall have 30 calendar days to submit additional information to render the application complete. Failure to do so within the 30-day period shall render the application void. Within five days following the receipt of an amended application or supplemental information, the tax collector shall again determine whether the application is complete in accordance with the procedures set forth in this subsection. Evaluation and notification shall occur as provided above until such time as the application is found to be complete. The applicant shall be notified in writing within five days of the date the application is found to be complete or is rendered void. All notices required by this section shall be given by registered or certified mail, postage prepaid, or in the manner required for the service of summons in civil actions.

~~DE~~. Upon receipt of a complete application, including the payment of a license fee which may be established for an sex-oriented adult business pursuant to Section 7.14.010, the tax collector shall refer copies of the application to those officers and departments deemed appropriate by the tax collector. Every officer and department to which an application is referred shall ~~in writing~~ advise the tax collector in writing of all material facts regarding the application, pursuant to Sections 7.06.120, and 7.06.130 and 7.06.140. At least five days before the public hearing required by section 7.92.040, the tax collector shall notify the applicant in writing if an officer in any department to which his application was referred recommends that the license be denied. Such written notice shall advise the applicant of the times and place where he may review all written materials related to any recommendation to deny the license. The written notice shall be given by registered or certified mail, postage prepaid, or in the manner required for the service of summons in civil actions, and may be, but need not be, included with the notice of public hearing required by Section 7.92.040A.

~~EF~~. Notwithstanding the above or any other provision of this chapter, no application for an sex-oriented adult business license shall be accepted or processed for any business that has had an sex-oriented adult business license revoked pursuant to Section 7.92.120 hereof within the preceding three-year period.

SECTION 33. Section 7.92.040 is hereby amended to read as follows:

7.92.040 License approval -- Standards.

A. The business license commission shall hold a public hearing on every application for an new sex-oriented adult business license required by this chapter, whether it is a new license or a renewal of an existing license, and shall give notice of

such hearing as required by Sections 7.10.100, 7.10.110, 7.10.120 and 7.10.130. All hearings shall be held in accordance with the provisions of this title.

B. The business license commission shall, within 90 ~~calendar~~ days of the filing of a complete license application, approve ~~and issue the sex-oriented adult~~ business license if the standards and requirements of this chapter have been met; otherwise, the license shall be denied. Written notice of the approval or denial of the license shall be given to the owner ~~in writing by first class~~ registered or certified mail, postage prepaid, ~~deposited in the course of transmission with the United States Postal Service~~ or in the manner required for the service of summons in civil actions, within three ~~business~~ days of the date of such decision. The times set forth in this subsection shall not be extended except upon the written consent of the ~~applicant~~ owner.

C. Notwithstanding Section 7.92.030A, if the business license commission has not acted to approve or deny the adult business license within 90 days of the filing of a complete application, the applicant shall be permitted to begin operating the adult business for which the license is sought. The applicant shall be permitted to continue to operate that adult business unless and until the business license commission acts to deny the adult business license and written notification of that action, including the reasons therefor, is provided to the applicant, by registered or certified mail, postage prepaid, or in the manner required for service of summons in civil actions.

GD. The business license commission shall approve and issue an ~~sex-oriented adult~~ business license if the application and evidence submitted show that:

1. The ~~sex-oriented~~adult business ~~will be located in a zone permitting sex-oriented businesses as a use~~complies with all applicable requirements of Chapter 22.62 ~~or will have a legal nonconforming status under county zoning regulations;~~ and

2. The ~~sex-oriented~~adult business will meet all applicable building, fire, electrical, health and plumbing regulations; and

3. The ~~sex-oriented~~adult business will not be located, in whole or in part, within any portable structure; and

4. The ~~sex-oriented~~adult business will not conduct or sponsor any special events, promotions, festivals, concerts or similar activities which would increase the demand for parking spaces beyond the approved number of spaces for the business; and

5. The ~~sex-oriented~~adult business will not conduct any massage, acupuncture, figure modeling, tattooing, acupressure or escort services and will not allow such activities on the premises-; and

6. The applicant, or the applicant's representatives, have not knowingly made any false, misleading or fraudulent statement of material fact in the application or in any report or record required to be filed with the tax collector or commission.

E. Notwithstanding any other provision of this title, no adult business license shall be issued which imposes any conditions in an attempt to eliminate any ground for denial.

DE. If the decision of the business license commission is appealed to the license appeals board, Uupon the complete filing of a notice of appeal pursuant to and

in accordance with Chapter 7.12, the license appeals board shall render its decision on the appeal, in accordance with the standards prescribed in this chapter, ~~within~~not later than 60 calendar days after the filing of the notice of appeal.

SECTION 34. Section 7.92.050 is hereby amended to read as follows:

7.92.050 License requirements--General.

~~Any sex-oriented adult business which allows customers to remain on the premises while viewing any live, filmed or recorded entertainment, or to use or consume the products or services supplied on the premises,~~ shall conform to the following requirements:

A. At least one security guard shall be on duty outside the premises, patrolling the grounds and parking areas, at all times while the business is open. If the occupancy limit of the premises is greater than 50 persons, an additional security guard shall be on duty inside the premises. The security guard(s) shall be charged with preventing violations of law, with enforcing compliance by patrons with the requirements of this chapter and with notifying the sheriff of any violations of law observed. Security guard(s) required by this subsection shall be uniformed in such a manner so as to be readily identifiable as a security guard by the public and shall be duly licensed as a security guard as required by applicable provisions of state or local law. No security guard required pursuant to this subsection shall act as a doorperson, ticket seller, ticket taker, or admittance person while acting as a security guard hereunder.

B. Landscaping shall conform to the standards established for the zone, except that, if the ~~sex-oriented~~ business is the sole use on a lot, no planting shall

exceed 30 inches in height, except trees with foliage not less than six feet above the ground.

C. The entire exterior grounds, including the parking lot, shall be lighted in such a manner that all areas are clearly visible at all times. ~~accordance with standards promulgated by the planning director or sheriff.~~

D. The premises within which the ~~sex-oriented~~ business is located shall provide sufficient sound-absorbing insulation so that ~~noises~~sound generated inside said premises shall not be audible anywhere on any adjacent property or public right-of-way or within any other building or other separate space within the same building.

E. No exterior door or window on the premises shall be propped or kept open at any time while the business is open, and any exterior windows shall be covered with opaque covering at all times.

F. Permanent barriers shall be installed and maintained to screen the interior of the premises from public view for each door used as an entrance or exit to the business.

G. Signage shall conform to the standards established for the zone except that such signage shall be limited to the business name, the street address and the notice required by subsection K of this section.

H. All indoor areas of the ~~sex-oriented~~ business within which patrons are permitted, except rest rooms, shall be open to view at all times, which view shall not be obstructed by any door, wall, curtain, two-way mirror, person, merchandise, display rack, or other material.

I. Except as specifically provided in this chapter and in Title 22, the ~~sex-oriented~~ business shall comply with the parking, development and design standards established for the zone in which the business is located.

J. No ~~sex-oriented~~adult material or ~~sex-oriented~~adult merchandise shall be displayed in such a manner as to be visible from any location other than within the premises occupied by the ~~sex-oriented~~ business.

K. No person under the age of 18 years and no person obviously intoxicated shall be permitted within the premises at any time. A sign giving notice of this provision shall be prominently posted at each entrance to the premises of the ~~sex-oriented~~ business.

L. The ~~sex-oriented~~ business shall not operate or be open between the hours of 2:00 a.m. and 9:00 a.m.

M. The ~~sex-oriented~~ business shall provide and maintain separate rest room facilities for male patrons and employees and female patrons and employees. Male patrons and employees shall be prohibited from using the rest room(s) for females, and female patrons and employees shall be prohibited from using the rest room(s) for males, except to carry out duties of repair, maintenance and cleaning of the rest room facilities. The rest rooms shall be free from all ~~sex-oriented~~adult materials and ~~sex-oriented~~adult merchandise. Rest rooms shall not contain television monitors or other motion picture or video projection, recording or reproduction equipment. The foregoing provisions of this subsection shall not be applicable to an ~~sex-oriented~~adult business which deals exclusively with sale or rental of merchandise which is not used or

consumed on the premises, such as an ~~sex-oriented~~adult bookstore, and which does not provide rest room facilities to its patrons or the general public.

N. Except as otherwise required by law or provided herein, all areas of the ~~sex-oriented~~ business accessible to patrons shall be illuminated at least to the extent of a 20 foot candle, minimally maintained and evenly distributed at ground level.

O. Individual viewing areas of the ~~sex-oriented~~ business shall be operated and maintained without any hole or other opening or means of direct communication or visual or physical access between the interior space of two or more individual viewing areas and shall not be occupied by more than one person at any one time.

P. The business shall have at least one responsible person on the premises to act as manager at all times during which the business is open. Such manager, if not the owner or licensee, shall first procure a license as such manager and pay an annual license fee in the amount set forth in Section 7.14.010 of this title, under the appropriate heading. A person other than the owner or licensee shall not be employed as or act in the capacity of manager until such person has the license required by this section.

SECTION 35. Section 7.92.060 is hereby amended to read as follows:

7.92.060 License requirements—~~Adult M~~otion picture arcades.

An adult~~Sex-oriented~~ motion picture arcades which provides more than one viewing area shall conform to all of the requirements previously set forth in this chapter and shall also conform to the following additional requirements:

A. ~~Upon application for a sex-oriented business license, t~~The application for an adult business license shall be accompanied by a diagram of the interior of the premises showing a plan thereof specifying the location of one or more manager's

stations, specifying the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed 32 square feet of floor area with no dimension greater than eight feet. The diagram shall also designate the place at which the ~~sex-oriented~~adult business license will be conspicuously posted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram shall be oriented to the north or to some designated street or object and shall be drawn to a designated scale with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to any accuracy of plus or minus six inches. The tax collector shall waive the foregoing diagram for renewal applications if the owner adopts ~~a~~the diagram that was previously submitted and certifies that the configuration of the premises has not been altered since ~~it~~that diagram was prepared.

No alteration in the configuration of the premises from the diagram submitted with the application for an adult business license may be made without the prior approval of the tax collector, who shall insure that the configuration requirements of this section continue to be met.

B. ~~No alteration in the configuration of the diagram may be made without the prior approval of the tax collector.~~The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, including the interior of individual viewing areas, but excluding rest rooms. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the

premises to which any patron is permitted access for any purpose, excluding rest rooms, from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.

C. It is the duty of the owner(s) to insure that at least one ~~employee~~manager is on duty and situated at each manager's station at all times that any patron is present inside the premises, and such manager shall be licensed as required by Section 7.92.050P of this chapter and be familiar with the requirements of this chapter and shall enforce all rules and regulations in order to ensure that the business complies with this chapter.

~~D. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose excluding rest rooms. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose, excluding rest rooms, from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.~~

~~ED.~~ It shall ~~be~~is the duty of the owner(s) and it shall ~~is~~also be the duty of all employees present on the premises to insure that the view ~~area~~ specified in subsection ~~DB~~ of this section remains unobstructed by any doors, walls, curtain, two-way mirror, persons, merchandise, display racks or other materials at all times and to insure that no patron is permitted access to any area of the premises which has been designated as

an area in which patrons will not be permitted in the ~~application~~diagram filed pursuant to subsection A of this section.

~~F. No individual viewing area may be occupied by more than one person at any one time.~~

~~G. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted to access with an illumination of not less than a 10 footcandle as measured at the floor level.~~

~~H. It shall be the duty of the owner(s) and it shall also be the duty of all employees present on the premises to insure that the illumination described above is maintained at all times that any patron is present on the premises.~~

SECTION 36. Section 7.92.070 is hereby amended to read as follows:

7.92.070 License requirements--~~Live entertainment~~Adult cabarets and adult theaters.

~~Sex-oriented businesses providing live entertainment depicting specified anatomical parts or involving specified sexual activities~~An adult cabaret or an adult theater shall conform to all of the requirements previously set forth in this chapter and shall also conform to the following additional requirements:

A. The application for an adult business license shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of and dimensions of the stage upon which live entertainment will be performed, the location of the entertainers' dressing room or rooms, and the location of the entrances to and exits from the premises which are to be used exclusively by the entertainers and those which are to be used by the patrons, all of which demonstrates compliance with the requirements of this section. The tax collector shall waive the foregoing diagram for

renewal applications if the owner adopts the diagram that was previously submitted and certifies that the configuration of the premises has not been altered since that diagram was prepared. No alteration in the configuration of the premises from the diagram submitted with the application for an adult business license may be made without the prior approval of the tax collector, who shall insure that the configuration requirements of this section continue to be met.

AB. No person shall perform live entertainment for patrons ~~of a sex-oriented business~~ except upon a stage at least 18 inches above the level of the floor, which is separated by a distance of at least six feet from the nearest area occupied by patrons, and no patron shall be permitted within six feet of the stage while the stage is occupied by an entertainer.

BC. The ~~sex-oriented~~ business shall provide separated dressing rooms facilities for entertainers which are exclusively dedicated to the entertainers' use.

CD. The ~~sex-oriented~~ business shall provide an entrance to and exit from the premises for entertainers which is separate from the entrance ~~or~~ and exit used by patrons.

DE. The ~~sex-oriented~~ business shall provide access for entertainers between the stage and the dressing rooms which is completely separated from the patrons. If such separate access is not physically feasible, the ~~sex-oriented~~ business shall provide a minimum three-foot-wide walk aisle for entertainers between the dressing rooms ~~area~~ and the stage, with a railing, fence or other barrier separating the patrons and the entertainers, which is capable of, and which actually results in, preventing any physical contact between patrons and entertainers.

~~EE.~~ No entertainer shall have physical contact with any patron, and no patron shall have physical contact with any entertainer while on the premises.

~~EG.~~ Fixed rails at least 30 inches in height shall be maintained establishing the separations between entertainers and patrons.

~~G.~~ ~~The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access with an illumination of not less than a 20 footcandle as measured at the floor level.~~

SECTION 37. Section 7.92.080 is hereby amended to read as follows:

7.92.080 License requirements -- Effect of noncompliance.

The requirements ~~described~~ contained in Sections 7.92.040, 7.92.050, 7.92.060, and 7.92.070 of this chapter shall be deemed conditions of license approval, and failure to comply with any such requirement shall be grounds for revocation of any ~~sex-oriented adult~~ business license issued pursuant to this chapter, or denial of any application to renew any adult business license issued pursuant to this chapter.

SECTION 38. Section 7.92.090 is hereby amended to read as follows:

7.92.090 License duration.

An ~~sex-oriented adult~~ business license shall be valid for a period of one year from the date of license approval.

SECTION 39. Section 7.92.100 is hereby amended to read as follows:

7.92.100 License renewal.

An ~~sex-oriented adult~~ business license shall be renewed on a year-to-year basis, provided that the licensee continues to meet all applicable requirements. A request for license renewal must be accompanied by an ~~sex-oriented adult~~ business license

renewal application, completed in full detail with current information. The complete application and appropriate fee must be received by the tax collector at least ~~45~~90 ~~calendar~~ days prior to the expiration of the existing license. A request for license renewal shall be processed in the same manner as the original application.

SECTION 40. Section 7.92.110 is hereby amended to read as follows:

7.92.110 License transferability.

No ~~sex-oriented~~adult business license, including but not limited to an adult business license held by an individual in a corporation or partnership shall be sold, transferred, or assigned by any licensee, or by operation of law, to any other person, group, partnership, corporation or entity, and any such sale, transfer or assignment, or attempted sale, transfer, or assignment shall be deemed to constitute a voluntary surrender of such license, and such license shall thereafter be null and void. ~~A sex-oriented business license held by an individual in a corporation or partnership is subject to the same rules of transferability described above.~~ Any change in the nature or composition of the ~~sex-oriented~~adult business from one type of ~~sex-oriented~~adult business use to another type of ~~sex-oriented~~adult business use shall also render the license null and void. An ~~sex-oriented~~adult business license shall be valid only for the exact location and adult business use as specified in the license.

SECTION 41. Section 7.92.120 is hereby amended to read as follows:

7.92.120 License revocation.

A. The licensee shall allow any appropriate officer of the county to conduct unscheduled inspections of the premises of the ~~sex-oriented~~ business for the purpose of

ensuring compliance with the law at any time the ~~sex-oriented~~ business is open for business or is occupied.

B. The business license commission shall revoke an ~~sex-oriented~~adult business license when:

1. Any of the applicable requirements set forth herein ceases to be satisfied; or
2. The application is discovered to contain incorrect, false or misleading information; or
3. The licensee is convicted of a felony or misdemeanor occurring upon, or relating to the premises or lot upon which the ~~sex-oriented~~ business is located, which offense is classified by the state as an offense involving a sexual crime against children, sexual abuse, rape, distribution of obscene material or material harmful to minors, prostitution or pandering, including, but not necessarily limited to the violation of any crime requiring registration under California Penal Code Section 290, or any violation of Penal Code Sections 234.3, 261, 261.35, 264.1, 266, 266a through 266k, inclusive, 267, 286, 286.5, 288, 288a, 311 through 311.10, inclusive, 314, 315, 316 or 647; or
4. ~~An employee, agent or contractor of the licensee is convicted on two or more occasions within a 12-month period of a felony or misdemeanor occurring upon, or relating to the premises or lot upon which the sex-oriented business is located, which offense is one of those listed in subsection (B)(3) of this section~~Within any 12-month period, there are two or more convictions for any of the offenses listed in subsection (B)(3) of this section, if the convictions are for the actions of any employee,

agent or contractor of the licensee which occurred on or relate to the premises or lot upon which the business is located; or

5. The licensee or ~~an~~its employee, agent or contractor has knowingly allowed prostitution, or solicitation for prostitution, on the premises; or

6. The ~~sex-oriented~~ business has been operated in violation of any of the requirements of this chapter and;

a. If the violation is of a continuous nature, the business continues to be operated in violation of such provision for more than 10 days following the date written notice of such violation is ~~mailed or delivered~~given to the owner, by registered or certified mail, postage prepaid, or in the manner required for the service of summons in civil actions, or

b. If the violation is of a noncontinuous nature, two or more additional violations of the same provision, or four or more violations of any ~~other of the provisions~~, of this chapter occur, ~~(regardless of whether notice of each individual violation is given to the owner)~~, within any 12-month period.

SECTION 42. Section 7.92.130 is hereby amended to read as follows:

7.92.130 License revocation procedure.

A. A license for an ~~sex-oriented~~adult business shall be revoked, or suspended ~~or modified~~ as provided in Chapter 7.08.

B. A hearing shall be conducted by the business license commission pursuant to and in accordance with Chapter 7.10.

C. ~~The licensee may file a notice of appeal to the license appeals board pursuant to and in accordance with Chapter 7.12~~If the decision of the business license

commission is appealed to the license appeals board, upon the complete filing of a notice of appeal pursuant to and in accordance with Chapter 7.12, the license appeals board shall render its decision on the appeal, in accordance with the standards prescribed in this chapter, no later than 60 days after the filing of the notice of appeal.

SECTION 43. Section 7.92.140 is hereby deleted in its entirety.

SECTION 44. Section 7.92.140 is hereby added to read as follows:

7.92.140 Existing adult businesses.

A. Any adult business that was lawfully operating on the effective date of this chapter in violation hereof shall be deemed a nonconforming use. Any adult business that was lawfully operating on the effective date of this chapter which became a nonconforming use by reason of the adoption of this chapter or by the amendment to Section 7.92.050, 7.92.060 or 7.92.070 shall cease operation, or otherwise be brought into full compliance with the provisions of this chapter, not later than April 1, 2004, unless sooner terminated for any reason or voluntarily discontinued for a period of 60 consecutive calendar days or more. A nonconforming use shall not be increased, enlarged, extended or altered, except that the use may be changed to a conforming use.

B. Any adult business that is defined by subsection A of this section as a nonconforming use shall be notified in writing of its nonconforming status by the tax collector. Such notice shall be given within 30 calendar days following the effective date of this section or, upon any later discovery by the county of the existence of a nonconforming adult business, within 30 calendar days thereafter. Such notice shall be given to the property owner of record upon which such business is located, the owner of

the business, and the holder of the business license for such business (to the extent such parties are different and are identifiable and accessible). Such notice shall also advise those parties of the expiration on April 1, 2004, of the amortization period established in subsection A of this section. Such notice shall be given by registered or certified mail, postage prepaid, or in the manner required for the service of summons in civil actions.

C. No adult business which was rendered nonconforming by the adoption of this chapter or by the amendment to Section 7.92.050, 7.92.060 or 7.92.070 shall continue to be operated without complying with all of the provisions of this chapter otherwise applicable to such adult business following expiration of the amortization period set forth in subsection A of this section.

D. Notwithstanding Section 7.92.090, an adult business license granted prior to April 1, 2004, to an adult business which is defined by subsection A of this section as a nonconforming use shall be valid until March 31, 2004, and shall not be valid thereafter.

SECTION 45. Section 7.92.150 is hereby amended to read as follows:

7.92.150 Violation--Penalty.

In addition to any other penalties and remedies provided by law, including the provisions of ~~the same~~this title, any violation of the provisions of this chapter shall be a misdemeanor punishable by a fine not to exceed \$1,000.00 or six months in jail, or both. Any person who violates the provisions of this chapter is subject to a suit for injunction as well as prosecution for the criminal violation.

SECTION 46. Section 7.92.160 is hereby amended to read as follows:

7.92.160 Conflicts.

If the provisions of this chapter conflict or contravene the provisions of another chapter of ~~the same~~this title, the provisions of this chapter shall prevail as to all matters and questions arising out of the subject matter of this chapter.

SECTION 47. Subsection A of Section 22.60.100 is hereby amended to read as follows:

22.60.100 Filing fees and deposits.

A. For the purpose of defraying the expense involved in connection with any application or petition required or authorized by this Title 22, the following fees shall accompany the application or petition:

— Adult Business Permits — \$4,365.00.

. . .

SECTION 48. Section 22.62.010 is hereby amended to read as follows:

22.62.010 Purpose and application.

~~The purpose of~~In order to promote the health, safety, and general welfare of the residents of the county of Los Angeles, this chapter is intended to regulate adult businesses which, unless closely regulated, have serious secondary effects on the community. These secondary effects include, but are not limited to, the following: depreciation of property values, increases in vacancy rates in residential and commercial areas, increases in incidences of criminal activity, increases in litter, noise, and vandalism and the interference with enjoyment of residential property in the vicinity of such businesses.

It is neither the intent nor the effect of this chapter to impose limitations or restrictions on the content of any communicative material. Similarly, it is neither the intent nor the effect of this chapter to restrict or deny access by adults to materials of a sexually explicit nature, or to deny access by the distributors or exhibitors of such materials to their intended market.

It is the intent of this chapter to afford new adult businesses a reasonable opportunity to locate in a relevant real estate market.

Nothing in this chapter is intended to authorize, legalize or license the establishment, operation or maintenance of any business, building or use which violates any county ordinance or any statute of the state of California regarding public nuisances, unlawful or indecent exposure, sexual conduct, lewdness or obscene or harmful matter or the exhibition or public display thereof.

SECTION 49. Section 22.62.015 is hereby added to read as follows:

22.62.015 Definitions.

Any terms used in this chapter which are defined in Section 7.92.020 shall have the meaning set forth in that section.

SECTION 50. Section 22.62.030 is hereby amended to read as follows:

22.62.030 Development standards.

A.——The following development standards shall apply to adult businesses:

——~~1~~A. No adult business shall be located in any temporary or portable structure.

——~~2~~B. Trash dumpsters shall be enclosed by a screening enclosure so as not to be accessible to the public.

———~~3C~~. No exterior door or window on the premises shall be propped or kept open at any time while the business is open, and any exterior windows shall be covered with opaque covering at all times.

———~~4D~~. Permanent barriers shall be installed and maintained to screen the interior of the premises from public view for each door used as an entrance or exit to the business.

———~~5E~~. No landscaping shall exceed 30 inches in height, except trees with foliage not less than six feet above the ground.

———~~6F~~. The entire exterior grounds, including the parking lot, shall be lighted in such a manner that all areas are clearly visible at all times.

———~~7G~~. Signage shall conform to the standards established for the zone and shall not contain sexually explicit photographs, silhouettes or other sexually explicit pictorial representations.

———~~8H~~. All entrances to an adult business shall be clearly and legibly posted with a notice indicating that minors are prohibited from entering the premises.

———~~9I~~. No nonconforming structure shall be converted for use as an adult business.

———~~10J~~. The adult business shall not conduct or sponsor any activities which create a demand for parking spaces beyond the number of spaces required by this title for the business.

———~~11K~~. No adult business shall be operated in any manner that permits the observation of any persons or material depicting, describing or related to specified sexual activities or specified anatomical areas, inside the premises, from any public way

or from any location outside the building or area of such establishment. This provision shall apply to any merchandise, display, decoration, sign, show window or other opening.

———~~12L~~. All exterior areas of the adult business, including buildings, landscaping, and parking areas shall be maintained in a clean and orderly manner at all times.

———~~13M~~. Any business license required pursuant to Title 7 of the Los Angeles County Code shall be kept current at all times.

———~~14N~~. Each adult business shall conform to all applicable laws and regulations.

———~~15O~~. The adult business shall not operate or be open between the hours of 2:00 a.m. and 9:00 a.m.

———~~16P~~. The premises within which the adult business is located shall provide sufficient sound-absorbing insulation so that sound generated inside said premises shall not be audible anywhere on any adjacent property or public right-of-way or within any other building or other separate space within the same building.

———~~17Q~~. The adult business will not conduct any massage, acupuncture, tattooing, acupressure or escort services, and will not allow such activities on the premises.

———~~18R~~. At least one security guard shall be on duty patrolling the premises at all times while the business is open. If the occupancy limit of the premises is greater than 50 persons, an additional security guard shall be on duty. The security guard(s) shall be charged with preventing violations of law, with enforcing compliance by patrons

with the requirements of this chapter and with notifying the sheriff of any violations of law observed. Security guard(s) required by this subsection shall be uniformed in such a manner so as to be readily identifiable as a security guard by the public and shall be duly licensed as a security guard as required by applicable provisions of state or local law. No security guard required pursuant to this subsection shall act as a doorman, ticket seller, ticket taker, or admittance person while acting as a security guard hereunder.

S. The adult business shall not sell or display obscene matter, as that term is defined by Penal Code Section 311 or its successors, and shall not exhibit harmful matter, as that term is defined by Penal Code Section 313 or its successors, to minors.

SECTION 51. Section 22.62.060 is hereby amended to read as follows:

22.62.060 Adult business permit -- Application.

A. An application for an adult business permit shall be filed with the director. It shall contain the information required by Section 22.56.030, and a narrative description of the proposed use or development including: an explanation of how the proposed business will satisfy the applicable requirements set forth in Sections 22.62.010 through 22.62.070 of this chapter.

B. The director shall determine whether the application contains all the information required by the provisions of this chapter. If it is determined that the application is not complete, the applicant shall be notified in writing within 10 business days of the date of receipt of the application that the application is not complete and the reasons therefor, including any additional information necessary to render the application complete. The applicant shall have 30 calendar days to submit additional

information to render the application complete. Failure to do so within the 30-day period shall render the application void. Within five business days following the receipt of an amended application or supplemental information, the director shall again determine whether the application is complete in accordance with the procedures set forth in this subsection. Evaluation and notification shall occur as provided above until such time as the application is found to be complete. The applicant shall be notified within five business days of the date the application is found to be complete. All notices required by this section shall be given by first class mail, postage prepaid.

SECTION 52. Section 22.62.080 is hereby amended to read as follows:

22.62.080 Permit application -- Review and approval.

A. When an application has been accepted as complete, the planning director shall set the application for a nondiscretionary public hearing before the planning commission within 60 days from the date on which the application was accepted as complete, generally following the notice procedures set out in Sections 22.60.170 through 22.60.190 of this title. The planning commission shall approve or disapprove the application within 90 days from the date on which the application was accepted as complete by the planning director.

B. If the planning commission has not acted to approve or deny the application within that time, the applicant shall be permitted to begin operating the adult business for which the adult business permit is sought. The applicant shall be permitted to continue to operate that adult business unless and until the planning commission acts to deny the adult business permit and written notification of that action, including the reasons therefor, is provided to the applicant, by first class mail, postage prepaid.

~~BC.~~ Any application for a permit pursuant to this chapter is considered to be a ministerial permit and, as such, is not subject to the time limits specified in Section 65950 et seq. of the Government Code, or the California Environmental Quality Act.

~~CD.~~ In considering an application for a permit pursuant to this chapter, the planning commission shall approve the permit if it makes the following findings:

1. The adult business is consistent with the location and development standards contained in this chapter; and

2. The adult business is located in a zone classification which lists the adult business as a permitted use; and

3. ~~The adult business is consistent with the requirements set forth in Title 7 of the Los Angeles County Code~~Except as otherwise specifically provided in this chapter, the adult business complies with the development features prescribed in this title; and

4. ~~Except as specifically provided in this chapter, the adult business complies with the development features prescribed in this title~~The adult business has submitted to the director documentation evidencing successful completion of the processes and receipt of the license required under Chapter 7.92 of this code. In cases where such documentation is unavailable at the time the planning commission takes action on the application, any action by the planning commission granting an adult business permit shall be conditioned upon the applicant providing to the director the documentation required by this subsection, and no adult business permit shall be valid unless and until such documentation has been provided to the director.

~~DE.~~ Issuance or denial of the ministerial permit is not subject to administrative appeal.

SECTION 53. Section 22.62.130 is hereby deleted in its entirety.

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